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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,518	03/18/2002	Kouji Yamamoto	1614.1235	6223

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EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/098,518	YAMAMOTO, KOUJI	
	Examiner	Art Unit	
	Cristina Owen Sherr	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to applicant's amendment filed May 17, 2005. Claims 1, 2, and 4-14 have been amended. Claim 3 has been canceled.
2. Claims 1-14 are pending in this case.

Response to Arguments

3. Applicant's arguments with respect to claims 1-2 and 4-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnan et al (US 6,073,124) in view of Mihm, Jr. (US 5,249,230).

6. Regarding claim 1 –

Krishnan discloses a method of administering user rights of a software program that can be increased in number, comprising: a step of a user right administrative apparatus of determining whether a predetermined event has occurred; a step of said user right administrative apparatus of informing a licensee of the occurrence of said predetermined event; a step of said licensee of providing said expansion information to said user right administrative apparatus; and a step of said user right administrative

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apparatus of revising, in response to a reception of said expansion information, said user right information stored therein (e.g. col 4 ln 10 – col 5 ln 30).

7. Krishnan does not disclose, but Mihm does, a step of said licensee of acquiring expansion information that causes said user right administrative apparatus to revise user right information indicating a maximum number of users permitted to use said software program (e.g. col 2 ln 10-45).

8. Regarding claims 2 and 4-5 –

Krishnan discloses the method wherein said predetermined event is that a number indicative of how many times said licensee is not allowed to activate said software program in a predetermined time period because no user right remains unused exceeds a predetermined number; wherein said predetermined event is a reception of an alarm indicating that a natural disaster has occurred; wherein said step of revising said user right information further comprises: a step of receiving an expansion code from said licensee; a step of decoding said expansion code to reproduce said expansion information; and a step of revising said user right information using said expansion information; wherein said user rights are identified by respective identifying information; said user rights information indicates which one of said user rights is in an effective state; said expansion information indicates which one of said user rights is to be turned from an ineffective state to an effective state; and the user right that is in the ineffective state cannot activate said software program (e.g. col 7 ln 15-45).

9. Regarding claims 6-9 –

Krishnan discloses the method wherein said user right administrative apparatus informs, instead of said licensee, an agreement administrative apparatus that issues said expansion information, of the occurrence of said predetermined event; wherein said expansion information is provided by an agreement administrative apparatus instead of said licensee; wherein said agreement administrative apparatus retrieves, in response to a reception of the information of the occurrence of said predetermined event, agreement information indicating said maximum number corresponding to said software program and said licensee; and said agreement administrative apparatus generates said expansion information; wherein said agreement administrative apparatus retrieves, in response to a reception of the information of the occurrence of said predetermined event, agreement information indicating which one of said user rights is in an effective state; and said agreement administrative apparatus generates said expansion information indicating which one of said user rights is to be turned from said ineffective state to said effective state (e.g. col 12 ln 30-45).

10. It would be obvious to one of ordinary skill in the art to combine the teachings of Mihm and Krishnan in order to obtain an emergency method of dealing with user rights while preserving security.

11. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnan et al (US 6,073,124) in view of Mihm, Jr. (US 5,249,230).

12. Regarding claim 10 –

Krishnan discloses an administrative system of user rights of a software program that can be increased in number, comprising a communications unit; a secondary storage

unit; and a central processing unit that determines whether a predetermined event has occurred, informs a licensee of the occurrence of said predetermined event, and revises, in response to a reception of an expansion information, user right information stored therein, and said licensee provides said expansion information to said user right administrative apparatus (e.g. col 4 ln 10 – col 5 ln 30).

13. Krishnan does not disclose, but Mihm does a step wherein said licensee acquires said expansion information that causes said user right administrative apparatus to revise said user right information indicating a maximum number of users permitted to use said software program (e.g. col 2 ln 10-45).

14. Regarding claim 11 –

Krishnan discloses the administrative system wherein said user rights are identified by respective identifying information; said user right information indicates which one of said user rights is in an effective state; said expansion information indicates which one of said user rights is to be turned from an ineffective state to said effective state; and the user right that is in the ineffective state cannot activate said software program (e.g. col 12 ln 30-45).

15. It would be obvious to one of ordinary skill in the art to combine the teachings of Mihm and Krishnan in order to obtain an emergency method of dealing with user rights while preserving security.

16. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnan et al (US 6,073,124) in view of Mihm, Jr. (US 5,249,230).

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17. Krishnan discloses an administrative system of agreement information of a software program in which user rights can be increased in number, comprising: a communications unit; an secondary storage unit; and a central processing unit that retrieves, in response to a reception of information of an occurrence of a predetermined event, and generates an expansion information that causes an administrative apparatus of user rights (e.g. col 4 ln 10 – col 5 ln 30).

18. Krishnan does not disclose, but Mihm does agreement information indicating a maximum number corresponding to said software program and a licensee (e.g. col 12 ln 30-45).

19. It would be obvious to one of ordinary skill in the art to combine the teachings of Mihm and Krishnan in order to obtain an emergency method of dealing with user rights while preserving security.

20. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnan et al (US 6,073,124) in view of Mihm, Jr. (US 5,249,230).

21. Regarding claim 13 –

Krishnan discloses a computer readable recording medium storing a computer program that administers user rights of a software program that can be increased in number, wherein said computer program causes a computer to: determine whether a predetermined event has occurred; inform a licensee of an occurrence of a predetermined event; and revise, in response to a reception of expansion information, user right information stored therein; and said licensee provides said expansion information to said computer (e.g. col 4 ln 10 – col 5 ln 30).

22. Krishnan does not disclose, but Mihm does, a program wherein licensee acquires said expansion information that causes to revise said user right information indicating a maximum number of users permitted to use said software program (e.g. col 12 ln 30-45).

23. Regarding claim 14 –

Krishnan discloses the computer readable recording medium wherein user rights are identified by respective identifying information; said user rights information indicates which one of said user rights is in an effective state; said expansion information indicates which one of said user rights is to be turned from an ineffective state to an effective state; and the user right that is in the ineffective state cannot activate said software program licensee (e.g. col 12 ln 30-45).

24. It would be obvious to one of ordinary skill in the art to combine the teachings of Mihm and Krishnan in order to obtain an emergency method of dealing with user rights while preserving security.

25. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Olivia L. Sherr
PRIMARY PATENT